## IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF ALABAMA NORTHERN DIVISION

In Re:	Thomas Coleman	)	
	SSN: XXX-XX-6612	)	Case No. 17-80620-CRJ-13
		)	Chapter 13
		)	-
	Debtor.	)	

## MOTION TO MODIFY PLAN AFTER CONFIRMATION AND SURRENDER VEHICLE

COMES NOW the Debtor, Thomas Coleman, and moves the Court to modify his Chapter 13 plan to surrender his 2010 Dodge Ram 1500, reduce his plan payments to \$1,052 per month, and to allow the creditor to file a deficiency claim. In support of this motion, debtor states as follows:

- 1. This case was filed on February 28, 2017.
- 2. The plan was confirmed on April 26, 2017.
- 3. Debtor wishes to surrender the 2010 Dodge Ram 1500 and reduce his plan payments to \$1,052 per month for the balance of the plan.

WHEREFORE, THE ABOVE PREMISES CONSIDERED, Debtor requests that his Chapter 13 Plan be modified to surrender his interest in the 2010 Dodge Ram 1500 and allow the creditor sixty (60) days to file a deficiency claim. Additionally, Debtor prays that his Plan payments be reduced to \$1,052 per month for the balance of his plan.

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY SERVED ON THE PARTY FILING THIS MOTION AND THE CHAPTER 13 STANDING TRUSTEE WITHIN 30 DAYS FROM DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE OBJECTION TO PROOF OF CLAIM AS TO INTEREST SHALL BE DEEMED UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED WITHIN THIRTY (30) DAYS, IT WILL BE SET FOR A HEARING BEFORE THE JUDGE AT THE FEDERAL BUILDING LOCATED AT 400 WELL STREET, IN DECATUR, ALABAMA.

Respectfully submitted,

/s/ Melissa W. Larsen Attorney for Debtor OF COUNSEL: MELISSA WIMBERLEY LAW, P.C. 521 Madison St., Ste. 201 Huntsville, AL 35801 (256) 970-4217

## CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Motion to Modify Plan After Confirmation has been served on all the creditors listed on the Clerk's matrix by U.S. mail postage prepaid and properly addressed and on:

Santander Consumer, USA Abel Marin, Claim Signatory PO Box 961245 Fort Worth, TX 76161

A copy has been served on Michele Hatcher, Chapter 13 Trustee, electronically on this the 1<sup>st</sup> day of September, 2017.